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CIA Position on S. 3418, a bill "To establish a Federal Privacy Board to oversee the gathering and disclosure of information concerning individuals...and for other purposes."

The application of this bill to a number of CIA files and information systems could seriously impair the Agency's ability to carry out its functions. Section 203 of the bill provides limited exemptions for national defense or foreign policy reasons. It could be argued, however, that certain information relating to sensitive intelligence sources and methods could not be exempted for these reasons--even though the release of this information would be damaging to the U.S. intelligence collection effort and the national interest and actually be in conflict with the provisions of the National Security Act of 1947. Section 102(d)(3) of that Act places the responsibility upon the Director of Central Intelligence for protecting intelligence sources and methods from unauthorized disclosure.

In letters dated 23 July 1974 and 26 September 1974, the Director of Central Intelligence expressed his concern about the effect this bill and an earlier draft would have on his responsibilities. He stated his view that the protection of intelligence sources and methods requires that practically all the Agency's information on individuals and the details of the Agency's information systems remain classified and not subject to public disclosure as provided under S. 3418.

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The Director of Central Intelligence originally requested (in his letter of 23 July 1974) that the Agency be specifically exempted from all provisions of this legislation. When advised that Chairman Ervin would not accept a complete exemption, the Director requested (letter of 26 September 1974) exemption from specific provisions of the bill and the inclusion of a general statement that the bill not be construed so as to impair or affect the authorities and responsibilities of the Director. As an absolute minimum, the Agency requests that the following language be inserted in the bill at Section 203(d):

None of the provisions of this Act shall be construed so as to impair or affect the authorities and responsibilities of the Director of Central Intelligence under the National Security Act of 1947, as amended, or the Central Intelligence Agency Act of 1949, as amended.